IN THE COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

MONDAY, THE FIFTH DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B. SESHASAYANA REDDY

WRIT APPEAL NO. 944 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20.1.2004 in W.P.No.18052 of 1995 on the file of the High Court.)

Between:

C.Brahmananda Reddy S/o Krishna Reddy,

Nidamanoor, Nalgonda District

…APPELLANT

And/-

1. Andhra Pradesh State Seeds Development Corporation Limited Rep. By its MD, HACA Bhavan, Hyderabad.

2. Board of Directors, APSSDC Limited, rep. By Chairman, HACABhavan, Hyderabad.

…RESPONDENTS

Counsel for the Appellant : MR. M. PANDURANGA RAO

Counsel for the Respondents : MR. S. RANGA REDDY

The Court made the following:

ORAL JUDGMENT (per GB. J,)

The Writ Appeal is filed against the order passed by the learned single Judge in Writ Petition No.18052 of 1995, dated 20.1.2004.

2. In the above Writ Petition the appellant-employee challenged the punishment of deferment of three increments with cumulative effect from 1.1.1994 and also reduction in seniority by ten stages passed against him. The learned single Judge disposed of the above Writ Petition with a direction that the appeal filed by the appellant herein before the Management shall be disposed of by the Management and appropriate orders should be passed within a period of two months from the date of receipt of the order. Against the said order, the present Writ Appeal has been filed. It is now brought to the notice of this Court that the Board of Directors have considered the appeal and withdrawn the punishment of reduction in seniority by ten stages

and confirmed the order of deferment of three increments with cumulative effect.

3. The learned counsel for the appellant relying on the Judgment of the Supreme Court reported in KULWANT SINGH GILL vs. STATE OF PUNJAB submits that the punishment awarded to him is a major punishment inasmuch as no enquiry was conducted and therefore the entire proceedings have to be declared as illegal and without jurisdiction.

4. The learned Standing Counsel for the respondent-Management, however, submits that as per the Regulations of the A.P. State Seeds Development Corporation Limited, punishment of deferment of increments falls in the category of minor punishment and therefore there was no need to conduct an enquiry as is required in a case of major punishment.

5. We are afraid we cannot accept the contention of the learned Standing Counsel for the respondents. Inasmuch as the punishment awarded is deferment of three annual increments with cumulative effect, the matter is now squarely covered by the decision referred to above. Under those circumstances, we set aside the order of the learned single Judge as well as the order relating to the award of stoppage of three increments with cumulative effect from 1.1.1994 and we leave it open to the Management to conduct the enquiry and pass appropriate orders in accordance with the Rules.

6. Accordingly, the Writ Appeal is allowed. There shall be no order as to costs.

JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One Fair copy to the Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal)

To

1 Andhra Pradesh State Seeds Development Corporation Limited rep by its MD, HACA Bhavan, Hyderabad.

2. Board of Directors, APSSDC Limited, rep. By Chairman, HACA Bhavan,Hyderabd.

3. 2 CD copies.

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